

**SUMMARY MEETING MINUTES**  
**DARIEN ZONING BOARD OF APPEALS (ZBA)**  
**June 24, 2015**

**REGULAR MEETING**

Darien Town Hall - Room 206 – 7:45 to 9:35 PM

ZBA members present: Chuck Deluca, Vic Capellupo, Gary Greene, Mike Nedder, Kevin Fullington and Rich Wood (departed at 8pm)

Staff Present: Code Compliance Officer Robert Woodside and Recorder Judy Fazekas

**OPENING**

ZBA Chair Chuck Deluca opened the meeting at 7:45 PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

**OTHER BUSINESS**

**Discussion, deliberation, and possible decision** of Calendar No. 29-2015, Jacqueline Kaufman and Carmody Torrance Sandak & Hennessey LLP on behalf of Noroton Yacht Club Inc., 23 Baywater Drive, previously heard by the ZBA on May 20, 2015 and June 17, 2015. Decision deadline is August 21, 2015 (within 65 days after completion of the hearing on June 17). After closing the hearing the ZBA subsequently deliberated and then determined to table this matter for further consideration at the June 24 meeting tonight. The next scheduled regular ZBA meeting is July 15, 2015. Seated ZBA members who have heard both segments of the hearing and participated in the June 17 deliberation are Chuck Deluca, Vic Capellupo, Mike Nedder, Jeff Williams, and Rich Wood. Gary Greene and Kevin Fullington also attended the May 20<sup>th</sup> segment of the hearing.

The ZBA deliberated regarding this application and then determined to table the matter for possible continued discussion at the next scheduled ZBA meeting on July 15, 2015.

**PUBLIC HEARINGS**

The following hearings were held with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff:

**CALENDAR NO. 32-2015** - the application of Gary Orelup and Gary Orelup Architect on behalf of Bridget Fallon Bepler submitted on May 13, 2015 for variances of Section 406 of

the Darien Zoning Regulations; to allow the reconstruction of an enlarged garage and the addition of a mudroom and second story office/playroom; Section 406: 10.0 in lieu of 13.6 feet minimum required west side yard setback, and 21.4 in lieu of 25.0 feet minimum required total of two side yard setbacks. The property is located on the south side of Lake Drive approximately 700 feet west of the intersection with Hoyt Street and is shown on Assessor's Map #25 as Lot #153, being 19 Lake Drive and located in an R-1/3 (residential) Zone.

Architect Gary Orelup and Tim Bepler answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

**CALENDAR NO. 33-2015** - the application of Neil Hauck, AIA and Neil Hauck Architecture LLC on behalf of Benjamin R. & Trudie T. Larrabee submitted on May 14, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a second story addition; Section 406: 13.8 in lieu of 18.5 feet minimum required east side yard setback and 13.9 in lieu of 14.4 feet minimum required west side yard setback on a property with 21.7 in lieu of 20.0% maximum allowable coverage. The property is located on the south side of Fairview Avenue approximately 140 feet west of the intersection of Academy Street and is shown on Assessor's Map #16 as Lot #50, being 26 Fairview Avenue and located in an R-1/3 (residential) Zone.

Architect Neil Hauck answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

**CALENDAR NO. 34-2015** - the application of John and Katherine McGrath submitted on May 20, 2015 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a second story and two story additions; Section 406: 22.0 in lieu of 25.0 feet minimum required rear yard setback. The property is situated on the east side of Dubois Street approximately 420 feet north of the intersection with Boston Post Road and is shown on Assessor's Map #43 as Lot #92, being 16 Dubois Street and located in an R-1/3 (residential) Zone.

John McGrath answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

**CALENDAR NO. 36-2015** - the application of Carol McCullough on behalf of 14 Charles Street LLC submitted on May 20, 2015 for variances of Section 406 of the Darien Zoning

Regulations; to allow the construction of second story, two story, and covered front porch additions; Section 406: 49.0 in lieu of 50.0 feet minimum required front yard setback as measured from the centerline of Charles Street, 9.2 in lieu of 11.9 feet minimum required north side yard setback, 8.1 in lieu of 10.8 feet minimum required south side yard setback and 17.3 in lieu of 20.0 feet minimum required total of two side yard setbacks for the second story addition; and 44.5 in lieu of 47.0 feet minimum required front yard setback as measured from the centerline of Charles Street for the covered porch. The property is situated on the east side of Charles Street approximately 150 feet north of the intersection with West Avenue and is shown on Assessor's Map #23 as Lot #60, being 14 Charles Street and located in an R-1/5 (residential) Zone.

Builder Matt McCullough answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

## **DELIBERATIONS AND DECISIONS**

The following decisions were made after the ZBA members reviewed the public hearing comments, the submitted plans and other application materials, and carefully considered possible stipulations to ensure the best possible project fit among the neighboring properties:

**CALENDAR NO. 32-2015** - The application of Gary Orelup and Gary Orelup Architect on behalf of Bridget Fallon Bepler, 19 Lake Drive. Upon a motion by Gary Greene, seconded by Vic Capellupo, the ZBA voted 4-1 to GRANT WITH STIPULATIONS the above delineated, requested variances. Those voting in favor of the motion were Gary Greene, Vic Capellupo, Chuck Deluca and Mike Nedder. Kevin Fullington was opposed to the motion. State of Connecticut Statutes require 4 affirmative votes out of the 5 voting ZBA members to approve a variance of the Zoning Regulations. Therefore this request is granted with stipulations.

**CALENDAR NO. 33-2015** - The application of Neil Hauck, AIA and Neil Hauck Architecture LLC on behalf of Benjamin R. & Trudie T. Larrabee, 26 Fairview Avenue. Upon a motion by Kevin Fullington, seconded by Chuck Deluca, the ZBA voted 5-0 to GRANT the above delineated, requested variances.

**CALENDAR NO. 34-2015** - The application of John and Katherine McGrath, 16 Dubois Street. Upon a motion by Gary Greene, seconded by Mike Nedder, the ZBA voted 4-1 to GRANT the above delineated, requested variance. Those voting in favor were Gary Greene, Mike Nedder, Chuck Deluca and Kevin Fullington. Vic Capellupo was opposed to the motion. State of Connecticut Statutes require 4 affirmative votes out of the 5 voting

ZBA members to approve a variance of the Zoning Regulations. Therefore this request is granted.

**CALENDAR NO. 35-2015** - The application of Carol McCullough on behalf of 14 Charles Street LLC, 14 Charles Street. Upon a motion by Mike Nedder, seconded by Chuck Deluca, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

### **OTHER BUSINESS**

The following additional decisions were made after the ZBA members reviewed the submitted documents, correspondence and/or project plans:

Discussion of subcommittee work with a Planning and Zoning Commission subcommittee on recommended Zoning Regulation changes.

A Special Meeting to consider this matter has been scheduled for July 23, 2015.

Possible amendment of project plans for ZBA Calendar No. 8-2015, Joseph & Rita Maruszewski, 102 Mansfield Avenue.

No proposed amended plans were received and this matter was postponed for possible future consideration on July 15, 2015.

Discussion of Verrillo v. Branford ZBA Appellate Court decision.

A Special Meeting with Town Counsel to consider this matter has been scheduled for July 7, 2015.

Approval of 2016 meeting schedule.

Upon a motion by Chuck Deluca, seconded by Gary Greene, the ZBA voted 5-0 to APPROVE the proposed schedule.

Approval of Minutes of meeting on April 8, 2015. ZBA members attending this meeting were Chuck Deluca, Vic Capellupo, Gary Greene, Mike Nedder, and Ruth Anne Ramsey.

Upon a motion by Gary Greene, seconded by Vic Capellupo, the ZBA voted 4-0 to APPROVE the minutes. Those voting in favor were Chuck Deluca, Vic Capellupo, Gary Greene, and Mike Nedder.

Possible requested amendment to the approved plans of Calendar No. 60-2014, T.G. Diners LLC, 275 Boston Post Road.

No proposed amended plans were received and this matter was postponed for possible future consideration on July 15, 2015.

Election of Officers by regular members.

Upon a motion by Mike Nedder, seconded by Chuck Deluca, the regular ZBA members voted 3-0 to elect Gary Greene as Chair for a term extending to June 30, 2016. Those voting in favor were Mike Nedder, Chuck Deluca, and Vic Capellupo.

Upon a motion by Gary Greene, seconded by Chuck Deluca, the regular ZBA members voted 3-0 to elect Mike Nedder as Vice- Chair for a term extending to June 30, 2016. Those voting in favor were Gary Greene, Chuck Deluca, and Vic Capellupo.

**ADJOURNMENT**

The meeting was adjourned at 9:35 PM.

These Meeting Minutes,  
Respectfully submitted June 26, 2015,  
by Robert Woodside,  
Code Compliance Officer  
ZBA Staff

*These Minutes were reviewed by the attending ZBA members, modified as necessary, and upon a motion by Mike Nedder, seconded by Jeff Williams, approved by a vote of 4-0 at the ZBA meeting on July 22, 2015. Mike Nedder, Jeff Williams, Chuck Deluca and Vic Capellupo voted in favor of the motion.*